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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFERY D. ALBRIGHT, NORMAN T.)
BOIRE, GARY M. DIETZ, WILLIAM H.)
ERDMAN, MICHAEL W. FRITZ,)
A. RONALD FROMBAUGH, RALPH A.)
HARRIS, ALLEN W. LANDIS, LOWELL)
MCGUIRE, WALTER R. MINICH,)
RAYMOND C. NEVINS, STANLEY L.)
NYE, VINCENT RAMIREZ,)
JR., KEITH E. SGRIGNOLI, RAY G.)
SNYDER, JR., and LAWRENCE D.)
WELKER,)

Plaintiffs

v.

DANIEL A. VIRTUE, Business Agent)
of the International Brotherhood of)
Teamsters; INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS;)
LOCAL 776, INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS; ABF)
FREIGHT SYSTEM, INCORPORATED,)

Defendants

FILED
HARRISBURG, PA

NOV 15 2002

MARY E. DIAMOND, CLERK
Per [Signature]
Clerk of Court

Case No. 1:CV-00-878
Judge Sylvia H. Rambo

**DEFENDANT ABF FREIGHT SYSTEM, INC.'S RESPONSE TO
PLAINTIFFS' MOTION FOR RECONSIDERATION OF
MOTION FOR EXTENSION OF TIME FOR DISCOVERY**

On October 30, 2002, Plaintiffs filed a Motion for Extension of Time for Discovery in the above-referenced case. In that Motion, Plaintiffs requested an extension of time to take the deposition of Connie Chambers (an employee of Defendant ABF Freight System Inc.'s ("ABF")), among other things. On November 6, 2002, the Court held a conference call to discuss the issues raised by Plaintiffs' Motion for Extension of Time.

During that conference call, Robert Mirin, counsel for the Plaintiff, explained his clients' position regarding the deposition of Ms. Chambers. He specifically discussed the issues raised in paragraph 2 of Plaintiffs' Motion for Reconsideration. Counsel for ABF responded to Plaintiffs' position. The Court, upon consideration of the parties' respective positions, denied Plaintiffs' request for an extension of time to depose Ms. Chambers. See Order dated November 7, 2002.

Plaintiffs have set forth no basis for reconsideration of the Court's November 7, 2002 Order. In their Motion for Reconsideration, Plaintiffs have not set forth any "manifest errors of law or fact," "present[ed] newly discovered precedent or evidence which, if discovered previously, might have effected the court's decision," or presented any other basis to justify reconsideration. Pahler v. City of Wilkes-Barre, 207 F. Supp.2d 341, 355 (M.D. Pa. 2001). To the contrary, Plaintiffs have reiterated arguments already made to, and rejected by, this Court.

Plaintiffs' Motion is "simply a re-styling or rehashing of issues previously presented." Id.

Accordingly, Defendant ABF respectfully requests that Plaintiffs' Motion for Reconsideration be denied.

Respectfully submitted,



Joseph E. Santucci, Jr. (*pro hac vice*)

Robyn B. Weiss (*pro hac vice*)

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Attorneys for Defendant
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Dated: November 14, 2002

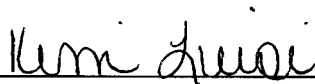
CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November 2002, a copy of the foregoing Defendant ABF's Response to Plaintiffs' Motion for Reconsideration of Motion for Extension of Time For Discovery was served via first-class mail, postage prepaid, on the following:

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